

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 THOMAS R. KING

11 Plaintiff,

12 No. C10-5568-RBL

13 v.

14 BNSF RAILWAY COMPANY, a Delaware
15 Corporation,

16 Defendant.

17 ORDER GRANTING DEFENDANT
18 BNSF RAILWAY COMPANY'S
19 MOTION TO JOIN HYDRAULIC
20 INSTALLATION & REPAIR INC. AS A
21 THIRD-PARTY DEFENDANT.

22 THIS MATTER comes before the Court on Defendant BNSF Railway's Motion to Join
23 Hydraulic Installation & Repair Inc. as a Third-Party Defendant.

24 **I. FACTS**

25 This Motion arises out of Plaintiff Thomas King's Federal Employers' Liability Act, 51
26 U.S.C §51, action against Defendant BNSF on August 13, 2010 for an injury that occurred
27 during his employment for BNSF. On April 23, 2011, King alleges that he was assisting in the
replacement of a section railroad track in Nisqually, Washington. A boom truck, owned and
operated by BNSF, held the replacement track above the railroad section. The truck failed when
the track piece was being positioned, and the track fell to the ground, striking plaintiff's foot.
The truck was serviced and repaired by Hydraulic Installation & Repair Inc. from December
2004 until April 2009. [Decl. of Don Kick, Dkt. #13, at p. 1-2]. Defendant BNSF now moves to
join Hydraulic Installation & Repair Inc. as a third-party defendant in the underlying action.

II. DISCUSSION

Under Federal Rule of Civil Procedure 14(a), a defendant may move the court to implead a third party “who is or may be liable to it for all or part of the plaintiff’s claim against it.” Fed. R. Civ. P. 14(a). Rule 14(a) is construed liberally in favor of joinder to promote judicial efficiency. *See McLaughlin v. Biasucci*, 688 F. Supp. 965, 967 (S.D.N.Y. 1988). (“The purpose of [Fed. R. Civ. P. 14(a)] is to promote judicial efficiency by eliminating the necessity for the defendant to bring a separate action against a third individual who may be secondarily or derivatively liable to the defendant for all or part of the plaintiff’s original claim.”) When a court decides whether or not a third party is appropriately impleaded, it balances the benefit derived against any unreasonable prejudice that may occur to the plaintiff and third-party defendant. *Olympic Corp. v. Societe Generale*, 462 F.2d 376, 379 (2nd Cir. 1972).

¹¹ *Olympic Corp. v. Societe Generale*, 462 F.2d 376, 379 (2nd Cir. 1972).

Judicial efficiency is best served by this joinder, since it would prevent Plaintiff King from bringing an additional suit against Hydraulic Installation & Repair Inc. for failing to adequately repair the boom truck. Further, granting this Motion would not cause undue delay or prejudice: as Defendant BNSF argued, the end of discovery is not until October 11, 2011, and the trial date is set for February 6, 2012. Hydraulic Installation & Repair Inc. has ample opportunity to conduct discovery and prepare its defense. Therefore, Defendant's Motion to Join Hydraulic Installation & Repair Inc. as a Third-Party Defendant is GRANTED.

IT IS SO ORDERED.

Dated this 21st day of JUNE, 2011.

Ronald B. Lightner

RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE